



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/039,905	01/04/2002	Blake L. Reynolds	8614.61	8720
21999	7590	11/28/2006	EXAMINER	
KIRTON AND MCCONKIE 60 EAST SOUTH TEMPLE, SUITE 1800 SALT LAKE CITY, UT 84111			KARMIS, STEFANOS	
			ART UNIT	PAPER NUMBER
			3691	

DATE MAILED: 11/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/039,905	Applicant(s) REYNOLDS, BLAKE L.	
	Examiner Stefano Karmis	Art Unit 3691	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 September 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 and 18-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 and 18-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The following communication is in response to Applicant's amendment filed 14 September 2006.

Status of Claims

2. Claims 1, 18 and 20 are currently amended. Claims 1-12 and 18-23 are currently pending.

Terminal Disclaimer

3. The terminal disclaimer filed on 14 September 2006 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of Application No. 10,271,675 has been reviewed and is accepted. The terminal disclaimer has been recorded.

Response to Arguments

4. Applicant's arguments with respect to claims 1-12 and 18-23 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Art Unit: 3691

6. Claim 1-10 and 18-23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding amended claim 1, the phrase “determining whether to allocate a reward to the entity providing the unpaid debt...” renders the claim indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is unclear whether the entity providing the unpaid debt is: a) the entity that sends the request to the collection agency; or b) the entity securing money for the unpaid debt. For examination purposes, the entity providing the unpaid debt is interpreted to be an entity that manages the debt, and may or may not include debt collection procedures. Claims 18 and 20 are substantially similar to claim 1 and are therefore rejected under the same reasoning. Claims 2-10, 19 and 21-23 are rejected for their dependency on claims 1, 18 and 20.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-12 and 20-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Land et al. (hereinafter Land) U.S. Patent 6,807,533 in further view of Siegel et al. (hereinafter Siegel) U.S. Publication 2002/0046049.

Art Unit: 3691

Regarding independent claims 1 and 20, Land teaches a method for encouraging the presentation of a series of unpaid debts to a collection agency, the method comprising the steps for:

Sending a request to the collection agency to collect on an unpaid debt (column 13, lines 14-24); determining whether to allocate a reward to the entity providing the unpaid debt (column 11, lines 53-60);

Selectively performing one or more debt collection procedures to collect at least a portion of the unpaid debt (column 11, line 61 thru column 12, line 65); and

Selectively apportioning the portion of the unpaid debt that has been collected (column 11, lines 53-60 and column 13, lines 13-24).

Land teaches that the targets imposed on credit officers are the major incentive. However, Land also teaches that the credit officers ability to perform their job is measured and reported in the officers yearly performance evaluation (column 11, lines 53-60). Land fails to specifically teach non-monetary incentives. Siegel teaches debt collection techniques wherein customer service representatives receive non-monetary awards include performance awards (page 3, paragraph 0043). It would have been obvious to anyone of ordinary skill in the art at the time of the Applicant's invention to modify the incentive teachings of Land and include the performance awards teachings of Siegel because Land teaches that the credit officers have performance evaluations and the credit officers receive incentives and achieving a higher performance evaluation is desirable to employees.

Art Unit: 3691

Claims 2 and 21, Land teaches step for determining whether to allocate the reward comprises steps for: determining eligibility for receipt of the reward (targets); and if eligibility exists, allocating the reward (column 11, lines 53-60).

Claim 3, wherein eligibility occurs upon education and certification in at least one of: one or more debt collection techniques and one or more techniques to receive rewards for unpaid debts (column 11, lines 61 thru column 12, line 18 and column 13, line1-9).

Claims 4, Land teaches that the credit officers are designated and have expertise in collection (column 11, lines 61 thru column 12, line 18). Land also teaches that credit officers have certain authorization which allows them to perform certain financial transactions (column 7, lines 57 thru column 8, line 39). Official Notice is taken that certification is old and well known in the art. Therefore it would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the teachings of Land and include certifying the credit officers because it verifies their expertise and Land already teaches that the credit officers have certain authorization, are designated and have expertise in collections.

Claim 5, wherein a computer device is employed to perform at least one of the steps for receiving the request, wherein the request is an electronic request; and providing the education (column 11, line 61 thru column 12, line 36 and Figures 9 and 16-20).

Art Unit: 3691

Claims 6 and 22, Land teaches providing an incentive to the credit officer. Land fails to teach that the reward includes credit for use in obtaining a good or service. Siegel teaches that a customer service representative managing a debt account accumulates points which are used in a report and allow for incentives and rewards. It would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the incentive teachings of Land and include the reward credit teachings of Siegel because it provides another type of incentive by allowing the user to build up points for a good or service still designed to encourage the collection of unpaid debts.

Claim 7, Land in view of Siegel fails to teach that the reward credit includes frequent flyer miles. Official Notice is taken that frequent flyer miles are old and well known in the financial arts as a reward. Therefore it would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the teachings of Land in view of Siegel and include frequent flyer miles as an incentive because it's a common reward desired by users in financial transactions, such as credit card transactions.

Claim 8, Land teaches selectively apportioning by the targets imposed on credit officers for collections as a percent to available receivables (column 11, lines 45-60). Land also teaches identifying a collection entity's amount, which is the total receivable for the credit officers fees are taken (column 11, line 45-60).

Claims 9 and 10, Land teaches the use of “dunning” letters (column 12, lines 19-47).

Land fails to teach subtracting a payment for letter writing vouchers from the debt owner’s amount prior to providing the debt owner’s amount to the service provider whom the unpaid debt is owed, wherein the vouchers comprise a minimum number to purchase. It would have been obvious to one of ordinary skill in the art that the teachings of Land could be modified to include charging for the dunning letters because they are part of the debt collection procedures and Land already teaches apportioning the payment.

Regarding independent claim 11, Land teaches a method for encouraging the presentation of a series of unpaid debts to a collection agency, the method comprising the steps for:

Sending a request to the collection agency to collect on an unpaid debt (column 13, lines 14-24); determining whether to allocate a reward to the entity providing the unpaid debt (column 11, lines 53-60);

Certifying an individual to receive a reward for providing at least one in a series of unpaid debts to a collection entity, wherein the reward includes (column 11, line 61 thru column 12, line 65); and

Providing the reward to the certified individual upon providing the unpaid debt to the collection entity (column 11, lines 53-60 and column 13, lines 13-24).

Land teaches that the targets imposed on credit officers are the major incentive. However, Land also teaches that the credit officers ability to perform their job is measured and reported in the officers yearly performance evaluation (column 11, lines 53-60). Land fails to specifically teach non-monetary incentives. Siegel teaches debt collection techniques wherein

Art Unit: 3691

customer service representatives receive non-monetary awards include performance awards (page 3, paragraph 0043). It would have been obvious to anyone or ordinary skill in the art at the time of the Applicant's invention to modify the incentive teachings of Land and include the performance awards teachings of Siegel because Land teaches that the credit officers have performance evaluations and the credit officers receive incentives and achieving a higher performance evaluation is desirable to employees.

Claim 12, wherein the step of certifying comprises the step for providing education relating to at least one of: debt collection and an incentive program that includes the non-monetary incentives (column 11, lines 61 thru column 12, line 18 and column 13, line 1-9).

Claim 23, wherein the step for receiving a request to collect on the unpaid debt comprises the step for using a link to automatically receive the request to collect on the unpaid debt, wherein the request is generated upon nonpayment of the debt over a period of time (column 12, lines 19-65).

9. Claims 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Land et al. (hereinafter Land) U.S. Patent 6,807,533 in further view of Siegel et al. (hereinafter Siegel) U.S. Publication 2002/0046049 in further view of Wind, U.S. Reissue RE 37,730.

Art Unit: 3691

Regarding independent claim 18, Land teaches a method for encouraging the presentation of a series of unpaid debts to a collection agency, the method comprising the steps for:

Sending a request to the collection agency to collect on an unpaid debt (column 13, lines 14-24); determining whether to allocate a reward to the entity providing the unpaid debt (column 11, lines 53-60);

Selectively performing one or more debt collection procedures to collect at least a portion of the unpaid debt (column 11, line 61 thru column 12, line 65); and

Selectively apportioning the portion of the unpaid debt that has been collected (column 11, lines 53-60 and column 13, lines 13-24).

Land teaches that the targets imposed on credit officers are the major incentive. However, Land also teaches that the credit officers ability to perform their job is measured and reported in the officers yearly performance evaluation (column 11, lines 53-60). Land fails to specifically teach non-monetary incentives. Siegel teaches debt collection techniques wherein customer service representatives receive non-monetary awards include performance awards (page 3, paragraph 0043). It would have been obvious to anyone of ordinary skill in the art at the time of the Applicant's invention to modify the incentive teachings of Land and include the performance awards teachings of Siegel because Land teaches that the credit officers have performance evaluations and the credit officers receive incentives and achieving a higher performance evaluation is desirable to employees.

Land in view of Siegel fails to teach that the debt collection service is performed for a flat fee. Wind teaches a computer method for collecting money on judgments wherein a flat fee is

Art Unit: 3691

charged for the collection (column 5, lines 38-55 and column 6, lines 40-67). It would have been obvious to one of ordinary skill in the art to modify the teachings of Land in view of Siegel, which teach providing collection service for a percentage to include the teachings of Wind, which teaches collections for a flat fee because they both provide an incentive for the collector.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

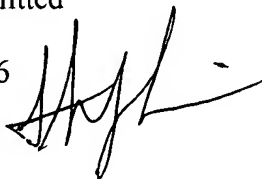
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stefano Karmis whose telephone number is (571) 272-6744. The examiner can normally be reached on M-F: 8-5.

Art Unit: 3691

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alex Kalinowski can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Respectfully Submitted
Stefano Karmis
20 November 2006



HANI M. KAZIMI
PRIMARY EXAMINER